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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,921	07/05/2007	Simon R. Daniel	1993-01000	4211
23505	7590	04/24/2009	EXAMINER	
CONLEY ROSE, P.C.			ABRAMS, NEIL	
David A. Rose			ART UNIT	PAPER NUMBER
P. O. BOX 3267			2839	
HOUSTON, TX 77253-3267				
NOTIFICATION DATE		DELIVERY MODE		
04/24/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pathou@conleyrose.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/590,921	DANIEL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Neil Abrams	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 8-25-2006 preliminary amendment.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17,22,23 and 26-33 is/are rejected.

7) Claim(s) 18-21,24 and 25 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>8-13-2007</u> .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claim 30 docking station and claim 28 battery units, one with wire must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. If asserted to be present in the figs these items should be pointed out by fig no and numeral

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim 19 is objected to, "the docking point circuit boards" has no antecedent basis. Claim page 26 , lines 12,13 suggest lines be changed to ---the circuitry, the docking points and the attached modules ---- to more clearly refer to those items

Specification and drawings objected to, for figures 6A, 18, use of the module latch is not clearly presented. In both figs, no item 67 is noted by numeral, no numeral used for the spring. Figure 6b numeral 51 should be added and this figure does not provide a space for movement to right of bar 51, compare to figure 18.

In addition just how lock bar 51 is used to lock to the part 67 is not clearly discussed. It appears that "parts 58 would fit under flanges on projection 67" but this is not clearly stated in specification , see page 19.

2. Claims 1, 2, 4, 5, 6, 10-17, 22, 23, 26-33 are rejected under 35 U.S.C. 102(b) as anticipated by Kita or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kita alone or Kita taken in view of Kim and Jeon and Hirsch.

3. For claims, 1, 33 Kita device, figures 1, 18, 5, 15, 16 etc includes a strap 4,5 with plural docking points ( see figure 1A mainly and also figs 18A, 25A 38,) for plural modules 80, 81, 82, 84, etc a clasp at leadlines 67, 68, 70 (connector 70 embedded in the clasp ) figures 15, A, B to enable the strap to be opened and closed, conductors 68, 70, etc in clasp to enable connection to be made. Note that use of fasteners 67 provides a clasp. Wires or circuitry 41, 51 are joined to the docking points and to the connector 70 , the docking points providing a mechanical mechanism figure 17 at 42 to enable modules to be joined to the docking points. While Kita adequate should issue arise for these or for any claims recited feature deemed obvious variation under 35 USC 103.

4. As further alternative should the clasp aspect be at issue, Hirsh noted to show clasp in figure 2. Obvious to use such type clasp with direct connection to wires in Kita for low cost manufacture.

5. In addition, as another alternative should the module locking be at issue, Kim figures 3, 6 at 230, 300 and Jeon figure 19 at 542 show locking means for module 22. Obvious to use either such type latch in Kita for greater security of locking. Claims 2, 4, 5, 6, 11, 12, 16, 17, 22, 26, 28, 29 are basically to specific module types and uses of the strap , either taught by Kita or which do not define unobviously over Kita which suggests use with all sorts of known modules. For claim 10 note figure 18B microphone 211, also chips and batteries are standard components of electronic modules. . For claim 13, note figure 25A and disclosure, column 16, of use of these modules for wireless signals.

For claims 23, 33 note spring button of Kim at 300 and also that module would be slid to remove 230 from 510 ( for claim 33 such button is also release means). Also, as alternative for claims 23, 33, Jeon figure 19 includes slidable module 22 and spring button 551 to aid release. Obvious to use any of these in Kita for better retention

6. For claim 15, Kita contact parts 91-94, figure 16-17 are readable as prongs. As alternative also obvious to use the resilient prongs 801-804 on the strap to engage pads on the modules For claim 14, Kita, figure 67 is applied; reference to "tubular" defines no new result over belt 6002 and is deemed obvious variation. For claim 27, in figure 17 , each contact 91-94 can be read as docking point. . For claim 31 any module is readable as a filler unit and some are shown to include lights (LCDs).

7. Claims 3, 7, 9, 28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Sporn and Sakamoto.

8. For claims 3, 7-9, 28, Kita at 875 use earpieces with wires but does not discloses strap support for these items. Sporn, figure 2 uses such straps support for item 17 and wire 15.

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Obvious to so form Kita to enable greater convenience having attached earpiece. Use of other known earpieces deemed obvious variations. For claim 30, obvious to include a docking station as in Sakamoto figure 8 to enable battery recharging.

9. Claims 18, 20, 21, 24, 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. For above rejections just which dependent claims are separately at issue and which are to stand of fall with decision as to parent claim 1 should be indicated in next response

Any inquiry concerning this communication should be directed to Neil Abrams at telephone number 571-272-2089

/Neil Abrams/

Primary Examiner, Art Unit 2839